

Docket: 393551

REMARKS

These remarks attend to all outstanding issues in the pending Office Action of December 27, 2005. Claims 2, 4, 7-12, 14, 15, 17 and 22-31 remain pending in this application.

Claim Rejections – 35 U.S.C. § 103

2. Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,825,444 granted to Tuan et al. (hereinafter, "Tuan") in view of U.S. Patent No. 5,571,550 granted to Polny, Jr. (hereinafter, "Polny").

3. Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Tuan in view of Polny and further in view of U.S. Patent No. 4,895,322 granted to Zieve (hereinafter, "Zieve").

4. Claims 3, 6, 13, 15 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tuan in view of Polny and further in view of U.S. Patent No. 4,732,351 granted to Bird (hereinafter, "Bird").

5. Claims 7-9 stand rejected under U.S.C. §103(a) as being unpatentable over Tuan in view of Polny and further in view of U.S. Patent No. 6,239,601 granted to Weinstein (hereinafter, "Weinstein").

6. Claim 18 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Tuan in view of Weinstein.

7. Claims 19-20 stand rejected under 35 USC §103(a) as being unpatentable over Tuan in view of Weinstein and further in view of Polny.

8. Claim 21 stands rejected under USC §103(a) as being unpatentable over Tuan in view of Weinstein and further in view of Zieve.

Claims 1, 3, 5-6, 13, 16 and 18-21 are cancelled without prejudice from the present application. Applicant reserves the right to present these claims in a continuation application to be filed before issuance of a patent arising from the present application. Claims 2, 7-9 and 15 have been amended to change their dependency.

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Allowable Subject Matter

9. Applicant thanks the Examiner for recognizing the allowable subject matter recited in claims 4, 10-12, 14 and 17. Applicant submits that there are reasons for allowance of these claims that are not specifically referenced in the Office Action of December 27, 2005, or in the remarks contained herein.

Claims 4, 10-12, 14 and 17 are presently amended into independent form to include limitations of the intervening claims. The phrase "the first electrode and the second electrode defining an interelectrode space between the first electrode and the second electrode" has been omitted from claims 10-12, 14 and 17 as redundant in light of the phrase "the first electrode and the second electrode defining an interelectrode distance that separates the first electrode and the second electrode". Given that an interelectrode distance separates the first electrode and the second electrode, there must necessarily be an interelectrode space between them. The redundant phrase has been removed for clarity; no new matter is added to the claims by this, or any other, amendment made herein. Claims 2, 7-9 and 15, which originally depended from claim 1, are presently amended to depend from one of the independent claims (i.e., claims 4, 10-12, 14, 17). Claims 22-31 are new dependent claims that include subject matter from claims 2 and 7-9. Applicant believes that claims 2, 4, 7-12, 14, 15, 17 and 22-31 are thus in condition for allowance.

Conclusion

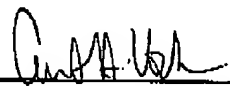
In view of the above Remarks, Applicant has addressed all issues raised in the Office Action dated December 27, 2005, and respectfully solicits a Notice of Allowance. Should any issues remain, the Examiner is encouraged to telephone the undersigned attorney.

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Authorization to charge the \$600 fee associated with three new independent claims is included herewith. Applicant believes no other fees are currently due; however, if any fee is deemed necessary in connection with this Response, please charge Deposit Account No. 12-0600.

Respectfully submitted,
LATHROP & GAGE L.C.

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